

REMARKS:

The Examiner's allowance of claims 20-22, 24 and 25, and his indication of allowability with respect to claims 3-5, 8, 9, 11, 14 and 15, are gratefully acknowledged.

Reconsideration of the Examiner's objection to claim 23 under 37 CFR § 1.75(c) is respectfully requested.

The Examiner correctly notes that the terms "perpendicular" and "orthogonal" are synonymous. However, the Examiner has overlooked the fact that claim 23 further requires that the first and second plates are adapted to "capacitively sense" acceleration in a direction perpendicular to said first and second axes. Although claim 20 does note that the first and second plates are "capacitive" plates and that these plates "sense" acceleration along a third axis that is orthogonal to said first and second axes, claim 20 does not explicitly tie the capacitive nature of the plates to the manner in which those plates sense acceleration. Claim 23 makes this connection explicit (put another way, while claim 20 uses the term "capacitive" as an adjective, claim 23 uses that term as an adverb). Since claim 23 therefore contains a limitation not included in claim 20, claim 23 is a proper dependent claim.

Reconsideration of the Examiner's rejection of claims 6, 10, 16, 17, and 28-42 under 35 U.S.C. 112, second paragraph, as being indefinite is respectfully requested.

With respect to claim 6, Applicants note that this claim has been cancelled with this response. Hence, it is respectfully noted that the Examiner's rejection has been rendered moot.

With respect to claim 10, Applicants note that this claim has been amended with this response to address the problem of lack of antecedent basis. It is thus respectfully submitted that the Examiner's rejection has been overcome.

With respect to claim 16, Applicants note that this claim has been amended with this response to address the problem of lack of antecedent basis. It is thus respectfully submitted that the Examiner's rejection has been overcome.

With respect to claim 17, Applicants note that this claim has been amended with this response to address the problem of lack of antecedent basis. It is thus respectfully submitted that the Examiner's rejection has been overcome.

With respect to claim 28, Applicants note that this claim has been amended with this response to address the problem of lack of antecedent basis. It is thus respectfully submitted that the Examiner's rejection has been overcome.

With respect to claim 29, Applicants note that this claim has been amended with this response to address the problem of lack of antecedent basis. It is thus respectfully submitted that the Examiner's rejection has been overcome.

With respect to claim 38, Applicants note that this claim has been amended with this response to address the problem of lack of antecedent basis. It is thus respectfully submitted that the Examiner's rejection has been overcome.

With respect to claim 40, Applicants note that this claim has been amended with this response to address the problem of lack of antecedent basis. It is thus respectfully submitted that the Examiner's rejection has been overcome.

Reconsideration of the Examiner's rejection of claims 1, 2, 7, 10, 13, 18 and 19 under 35 U.S.C. 102(b) as being anticipated by U.S. 6,159,761 (Okada) is respectfully requested.

Claim 1, from which the remaining claims depend, has been amended with this response to incorporate the limitations of claim 3 (the remaining amendments to the claim are for aesthetic purposes only), the later of which was deemed allowable by the Examiner. It is thus respectfully submitted that the Examiner's rejection has been overcome.

Reconsideration of the Examiner's rejection of claims 1, 2, 7, 12, and 18 under 35 U.S.C. 102(b) as being anticipated by U.S. 5,962,787 (Okada) is respectfully requested.

Attorney Docket No.: MTRL013US0 (SC12592ZP)

PATENTS  
Customer No. 37,141

Claim 1, from which the remaining claims depend, has been amended with this response to incorporate the limitations of claim 3 (the remaining amendments to the claim are for aesthetic purposes), the later of which was deemed allowable by the Examiner. It is thus respectfully submitted that the Examiner's rejection has been overcome.

Reconsideration of the Examiner's rejection of claims 1, 2, 12 and 18 under 35 U.S.C. 102(e) as being anticipated by U.S. 6,705,167 (Kvisteroey) is respectfully requested.

Claim 1, from which the remaining claims depend, has been amended with this response to incorporate the limitations of claim 3 (the remaining amendments to the claim are for aesthetic purposes), the later of which was deemed allowable by the Examiner. It is thus respectfully submitted that the Examiner's rejection has been overcome.

Reconsideration of the Examiner's rejection of claims 10 and 13 under 35 U.S.C. 103(a) as being anticipated by U.S. 6,705,167 (Kvisteroey) is respectfully requested.

Claim 1, from which the remaining claims depend, has been amended with this response to incorporate the limitations of claim 3 (the remaining amendments to the claim are for aesthetic purposes), the later of which was deemed allowable by the Examiner. It is thus respectfully submitted that the Examiner's rejection has been overcome.

Reconsideration of the Examiner's rejection of claim 26 under 35 U.S.C. 103(a) as being anticipated by A. Selvakumar and K. Najafi, "A HIGH-SENSITIVITY Z-AXIS CAPACITIVE SILICON MICROACCELEROMETER WITH A TORSIONAL SUSPENSION", Journal of Microelectromechanical Systems, Vol. 7, No. 2 (June 1998) is respectfully requested.

Claim 26 has been amended with this response to incorporate the limitations of claim 28 therein, the later of which was rejected by the Examiner only on 35 U.S.C. § 112, second paragraph grounds (this issue has been addressed in the amendment). It is thus respectfully submitted that the Examiner's rejection has been overcome.

Reconsideration of the Examiner's rejection of claim 27 under 35 U.S.C. 103(a) as being anticipated by A. Selvakumar and K. Najafi, "A HIGH-SENSITIVITY Z-AXIS CAPACITIVE SILICON MICROACCELEROMETER WITH A TORSIONAL SUSPENSION", Journal of

Microelectromechanical Systems, Vol. 7, No. 2 (June 1998) in view of U.S. 6,629,461 (Behin et al.) is respectfully requested.

Claim 26, from which claim 27 depends, has been amended with this response to incorporate the limitations of claim 28 therein, the later of which was rejected by the Examiner only on 35 U.S.C. § 112, second paragraph grounds (this issue has been addressed in the amendment). It is thus respectfully submitted that the Examiner's rejection has been overcome.

It is believed that no fee is due with the filing of this Response. However, if there are any fees associated with the filing of this document, the Commissioner is hereby authorized to charge or credit any overpayment to the deposit account of Hulsey Grether + Fortkort, LLP, Deposit Account No. 50-2726.

Respectfully submitted,

HULSEY GRETHER + FORTKORT, LLP

By: 

John A. Fortkort

Reg. No. 38,454

8911 N. Capital of Texas Hwy., Suite 3200

Austin, Texas 78759

Telephone: (512) 279-3100

Facsimile: (512) 279-3101

Dated: August 9, 2004